

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

RANDALL J STRANDQUIST,

Plaintiff,

v.

WASHINGTON STATE DEPARTMENT

OF SOCIAL AND HEALTH SERVICES;

WENDY LONG,

Defendant.

Case No. 3:23-cv-05071-TMC

ORDER ON SUPPLEMENTAL MOTIONS  
IN LIMINE

Before the Court are Defendants' supplemental motions in limine (Dkt. 138). The Court has considered the parties' briefs and the motion is ripe for the Court's consideration.

**I. BACKGROUND**

Strandquist brings this action under Title VII and the Washington Law Against Discrimination (WLAD) asserting that Defendants failed to reasonably accommodate his sincerely held religious beliefs. The Court dismissed Strandquist's other claims in its order on Defendants' motion for summary judgment. Dkt 92.

On December 16, 2024, the Court held a hearing on Plaintiff Strandquist's motion for sanctions. Dkt. 118. Neither party ordered the transcript of that hearing, but the Court has

1 reviewed the rough transcript. During that hearing, the Court denied Strandquist’s motion, but  
2 found that there was good cause under Federal Rules of Civil Procedure Rule 26 and Rule 37 for  
3 late disclosure of certain documents. Specifically, the Court explained that Strandquist may  
4 present at trial documents received through the Public Records Request (PRR), even if he had  
5 not previously disclosed those documents, subject to any evidentiary objections Defendants may  
6 raise. The Court ordered Strandquist to disclose any documents from the PRR that he intended to  
7 introduce at trial, accompanied by an amended exhibit list, no later than December 23, 2024. The  
8 Court also stated that it would not allow Strandquist to present evidence or argument that ending  
9 his employment put DSHS in a worse position with respect to its *Trueblood* obligations. The  
10 Court explained that any harm incurred by DSHS because of the termination is not relevant to  
11 whether accommodating Strandquist would have posed an undue hardship, and that it would not  
12 entertain a “mini-trial” about the *Trueblood* case. The Court clarified, however, that sworn  
13 statements from the *Trueblood* litigation (such as declarations filed by Dr. Kinlen) could  
14 potentially be used for impeachment if they were shown to be relevant. The Court cautioned the  
15 parties that it would be very mindful of the risk of confusing the issues before the jury before  
16 allowing any evidence or arguments related to *Trueblood*.

17 On December 31, 2024, the Court held a status hearing conference to discuss  
18 Strandquist’s failure to comply with the pretrial deadlines for exchanging jury instructions and  
19 disclosing his supplementary exhibits. Dkt. 127. The Court ordered Strandquist to revise his  
20 amended exhibit list to comply with the Court’s previous orders no later than January 1, 2025.  
21 *Id.* The Court also granted Defendants’ request for a short continuance and trial was rescheduled  
22 to begin on February 11, 2025. Dkt. 130. Defendants filed their supplemental motions in limine  
23 on January 17, 2025, Dkt. 138, and Plaintiff Strandquist responded, Dkt. 153. The Court  
24 addresses each motion in turn.

1 **A. Legal Standard**

2 “A motion in limine is a procedural mechanism to limit in advance testimony or evidence  
3 in a particular area.” *Hana Fin., Inc. v. Hana Bank*, 735 F.3d 1158, 1162 n.4 (9th Cir. 2013).

4 “To exclude evidence on a motion in limine the evidence must be inadmissible on all  
5 potential grounds.” *Goodman v. Las Vegas Metro. Police Dep’t*, 963 F. Supp. 2d 1036, 1047 (D.  
6 Nev. 2013) (internal quotations omitted). “[I]f not, the evidentiary ruling is better deferred until  
7 trial, to allow for questions of foundation, relevancy, and prejudice to be resolved with the  
8 appropriate context.” *Romero v. Washington*, No. 2:20-cv-01027-TL, 2023 WL 6458871, at \*1  
9 (W.D. Wash. Oct. 4, 2023).

10 In ruling on motions in limine, courts do not “resolve factual disputes or weigh  
11 evidence.” *United States v. Meech*, 487 F. Supp. 3d 946, 952 (D. Mont. 2020). The inquiry is  
12 discretionary. *See United States v. Layton*, 767 F.2d 549, 554 (9th Cir. 1985).

13 **B. Defendants’ Motions in Limine**

14 *1. Motion in Limine 1: Exclude all new exhibits provided to Defendants after  
15 December 23, 2024.*

16 Defendants ask the Court to exclude all exhibits on the amended exhibit lists Strandquist  
17 filed on December 24, 2024 and December 27, 2024. Dkt. 121; Dkt. 124. Defendants argue that  
18 Strandquist did not timely serve an updated exhibit list including the additional PRR documents  
19 along with the exhibits themselves by the December 23, 2024 deadline. Dkt. 138 at 3.

20 Defendants conclude that new exhibits on both amended exhibits lists should be struck for that  
21 reason alone. *Id.* The Court previously concluded that it could alleviate prejudice to the  
22 Defendants caused by the late exhibit list by granting Defendants’ motion for a trial continuance  
23 and allowing Defendants to file these supplemental motions in limine. Dkt. 130. This motion is  
24 DENIED.

2. *Motion in Limine 2: Exclude PRR documents in Exhibits 34 through 37*

Defendants seek to exclude PRR documents in Exhibits 34 through 37 because they cannot be properly authenticated. Dkt. 138 at 3. Defendants argue that these documents are not self-authenticating and though Strandquist may testify as to how he received the documents, he cannot “actually” authenticate the contents of the documents. *Id.* at 3, 4. Defendants further assert that the exhibits should be excluded for various evidentiary reasons.

First, Defendants argue that Exhibit 34 appears to be an excerpt from a longer email chain and thus violates the best evidence rule under FRE 1002. *Id.* at 4. Defendants also argue that the communications constitute hearsay within hearsay and is not subject to any exceptions. *Id.* Defendants further raise relevancy arguments because the communication relates to a non-DSHS employee being sent home for a cough. *Id.* Strandquist has not responded to Defendants’ arguments on Exhibit 34. The Court considers this a waiver and also determines the document contains multiple levels of hearsay and is not relevant to any claim or defense. Exhibit 34 is EXCLUDED.

Second, Defendants argue that Exhibit 35 is not relevant under FRE 401 because the email discusses a COVID-19 outbreak at Western State Hospital. *Id.* Defendants assert that the exhibit also discusses staffing shortages at Eastern State Hospital which they argue goes to the competing undue hardship analysis. *Id.* Strandquist has not responded to these arguments. The Court considers this a waiver and also determines the document is not relevant to any claim or defense. Exhibit 35 is EXCLUDED.

Third, Defendants argue that Exhibit 36 may confuse the jury under Rule 403 because it contains an email between individuals whose vaccination status is unknown. *Id.* Defendants argue that the jury may mistakenly think that “(1) PPE was all that was required for in person evaluations; or (2) that all evaluations could be done in person.” *Id.* Strandquist has not

1 responded to these arguments. The Court considers this a waiver and also determines the  
2 document is not relevant to showing Strandquist's ability to telework because it is from an  
3 evaluation conducted more than a year after Strandquist's employment was terminated. Exhibit  
4 36 is EXCLUDED.

5 Fourth, Defendants assert that Exhibit 37 is an excerpt from an email chain of unknown  
6 length, violating the best evidence rule under FRE 1002. *Id.* Defendants argue that the exhibit  
7 contains undefined acronyms such as "FIT testing," and like Exhibit 36, would likely confuse the  
8 jury as to whether wearing PPE was the only requirement. *Id.* Strandquist has not responded to  
9 these arguments. The Court considers this a waiver and also determines that no relevance to any  
10 claim or defense can be discerned from the face of the document. Exhibit 37 is EXCLUDED.

11 This motion is GRANTED.

12 **3. Motion in Limine 3: Exclude all documents not previously included on the**  
13 **original exhibit list and unrelated to the PRR.**

14 Defendants move to exclude documents that were not previously included on the original  
15 exhibit list and did not come from the PRR. Dkt. 138 at 4. Defendants argue that an example of  
16 such document is Exhibit 33, which is a 54-page document from April 2022 with attachments  
17 that relate to recruitment and retention of employees. *Id.* at 5. Defendants assert that these  
18 documents do not bear the bates numbers indicating it came from the PRR request nor do they  
19 explain the source or meaning of the "recruitment data" contained in the exhibit. *Id.* Defendants  
20 argue that these documents are prejudicial because it contains data about employment statistics  
21 that are unrelated to Strandquist's claims and is being used to support a competing undue  
22 analysis related to *Trueblood*. *Id.*

23 Strandquist has not responded to the arguments about Exhibit 33. The Court considers  
24 this a waiver. Additionally, Strandquist has provided no information as to where he obtained

1 Exhibit 33 or how he can show it is admissible at trial. This motion in limine is GRANTED IN  
2 PART and Exhibit 33 is EXCLUDED.

3 Although Exhibits 27 and 28 were also late admissions to the exhibit list, there is no  
4 prejudice to this late addition as these documents are Defendants' own discovery responses. The  
5 motion in limine as to Exhibits 27 and 28 is DENIED and any further objections can be made at  
6 the time of trial.

7 **4. Motion in Limine 4: Exclude documents and data related to the *Trueblood***  
8 ***lawsuit.***

9 Defendants seek to exclude documents and data related to the *Trueblood* lawsuit because  
10 they argue such evidence would only confuse the jury and the Court did not allow Strandquist to  
11 pursue a counter-theory of undue hardship based on *Trueblood*. Dkt. 138 at 6. Defendants assert  
12 that Strandquist added 69 new exhibits that pertain solely to *Trueblood* to the amended exhibit  
13 lists which are: (1) six court documents pulled from the *Trueblood* docket related to compliance  
14 issues and fines (Ex. 39–41; 43–45); (2) 43 declarations from Dr. Kinlen pulled from the  
15 *Trueblood* docket (Ex. 46–98); (3) nine news articles about *Trueblood* compliance (Ex. 100–102;  
16 105–106; 108–110); (4) 10 *Trueblood* monthly reports related to compliance and fees (Ex. 111–  
17 120); (5) a summary of jail admission data related to *Trueblood*<sup>1</sup> (Ex. 134) and (6) other  
18 miscellaneous *Trueblood* data. *Id.* Defendants argue that these documents should be excluded  
19 because it would result in a “trial within a trial” and mislead the jury by conflating compliance  
20 issues related to *Trueblood* with Strandquist's claims. *Id.* at 7.

21 Strandquist argues that the Court never prohibited him from advancing the theory that  
22 Strandquist's termination burdened DSHS by interfering with DSHS's compliance with the

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23 <sup>1</sup> Strandquist states that while he disagrees that the underlying documents are not voluminous  
24 enough to justify a summary provided in Exhibit 134, he “would be content to instead introduce  
the underlying documents themselves.” Dkt. 153 at 5.

1 *Trueblood* injunction. Dkt. 153 at 7. He asks that the Court clarify its December 16, 2024 ruling  
2 in a written order. *Id.* But even if the Court had prohibited that theory, Strandquist argues that the  
3 exhibits related to *Trueblood* are relevant because they show whether “breakthrough cases were  
4 so prevalent as to impair DSHS’s ability to even comply with court orders and avoid crushing  
5 financial penalties.” Dkt. 153 at 8.

6 The Court has clarified its earlier ruling above. Whether terminating Strandquist’s  
7 employment caused hardship to DSHS or interfered with its *Trueblood* obligations is not a  
8 relevant issue for the jury. The jury must determine whether DSHS could reasonably  
9 accommodate Strandquist and whether *accommodating* him would have caused undue hardship.  
10 That DSHS’s method of implementing the COVID vaccine mandate made it more difficult to  
11 comply with *Trueblood* might be a policy argument for why DSHS should have taken a different  
12 approach, but it is not a relevant question in this trial.

13 That said, most of the exhibits challenged in this motion in limine have been marked for  
14 identification only, and Strandquist concedes he will only seek to use them if they become  
15 relevant on rebuttal or for impeachment or refreshing recollection. The Court therefore reserves  
16 ruling on Exhibits 39–41, 43–47, 65–83, and 85–121.

17 Plaintiffs have listed Exhibits 48–64, 84, and 134 as substantive exhibits for their case in  
18 chief. These exhibits consist of declarations from Dr. Thomas Kinlen (one of Defendants’  
19 witnesses in this litigation) in the *Trueblood* case that accompany monthly data reports on the  
20 State’s compliance with *Trueblood*. Exhibit 134 is a summary of data on completed jail  
21 evaluation orders. These exhibits will be excluded for three reasons. First, they are not relevant  
22 to any claim or defense, as this Court has already determined that the effect of Strandquist’s  
23 firing on *Trueblood* compliance is not at issue. Fed. R. Evid. 401. Second, any minimal potential  
24 relevance is outweighed by the danger of confusing the issues before the jury, as the declarations

1 go into detail about wait times for competency evaluations and the fines the State has paid for  
2 failing to comply with *Trueblood*, none of which is before the jury in this case. Fed. R. Evid.  
3 403. Third, these documents have been available to Strandquist on the public docket for years  
4 but were not disclosed in compliance with Federal Rule of Civil Procedure 26(a)(1) or included  
5 on Strandquist's original exhibit list. Strandquist has not shown that the late disclosure of these  
6 exhibits is substantially justified or harmless. These exhibits are excluded from Strandquist's  
7 case in chief. This does not prevent Strandquist from using the documents for rebuttal,  
8 impeachment, or to refresh recollection if they are shown to be relevant.

9 This motion is GRANTED IN PART and DENIED IN PART as set forth above.

10 **5. Motion in Limine 5: Exclude Exhibits 103 and 122.**

11 Defendants move to exclude Exhibit 103 arguing it is a single page excerpt from a King  
12 County Superior Court case purporting to be from a declaration by Dr. Kinlen. Dkt 138 at 9.  
13 Defendants argue that Exhibit 103 should be excluded for violating the best evidence rule under  
14 FRE 1002. *Id.* Defendants further contend the exhibit is not authenticated as required by  
15 FRE 901, lacks foundation under FRE 602, and carries a significant risk of confusing the jury  
16 under FRE 403. *Id.*

17 Defendants also seek to exclude Exhibit 122 because they argue there is no plausible  
18 reason to offer the document as an exhibit. *Id.* Defendants argue that Exhibit 122 is an article  
19 authored by David Luxton, who was a plaintiff in a different lawsuit, and the document  
20 constitutes hearsay without an exception. *Id.*

21 Both exhibits have been marked for identification only in case Strandquist seeks to use  
22 them on rebuttal, for impeachment, or to refresh a witness's recollection. The Court therefore  
23 reserves ruling on these exhibits. This motion is DENIED.



1           **6.       *Motion in Limine 6: Exclude Exhibit 123—Strandquist’s summary of break-***  
 2                                   *through infections.*

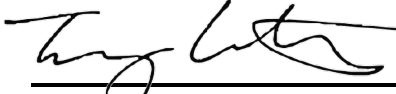
3           Defendants seek to exclude Exhibit 123 which Strandquist asserts summarize the  
 4 breakthrough infection data included in Exhibits 124 through 130. Dkt 138 at 10. Defendants  
 5 argue that the summary is not admissible under FRE 1006 because the information is not  
 6 “voluminous admissible writings . . . that cannot be conveniently examined in court.” *Id.*  
 7 Defendants additionally argue that the underlying Exhibits 124 and 126 contain data before the  
 8 vaccine mandate went into effect and thus vaccination statuses were unconfirmed. *Id.* Because  
 9 the raw data is taken out of context, Defendants argue that a summary would “cause confusion or  
 10 misrepresent the data to the jury.” *Id.*

11           Strandquist does not address Defendants’ arguments about Exhibit 123 in his response  
 12 brief. The Court considers this a waiver. The Court also determines that because the underlying  
 13 records are not voluminous, there is no basis for a summary exhibit under FRE 1006. Exhibit 123  
 14 is EXCLUDED. This motion is GRANTED.

15                                   **II.     CONCLUSION**

16           Defendants’ supplemental motions in limine (Dkt. 138) are GRANTED IN PART and  
 17 DENIED IN PART as set forth above.

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 19           Dated this 29th day of January, 2025.

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 22                                   Tiffany M. Cartwright  
 23                                   United States District Judge  
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